

SUBDIVISION ORDINANCE
FOR
MADISON COUNTY, VIRGINIA
ADOPTED: March 29, 1974

Amendments: August 7, 1974
October 12, 1982
February 10, 1987
June 29, 1989
June 20, 1990
February 20, 1991
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January 21, 1998
October 1, 2003
February 4, 2004
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December 7, 2005
June 7, 2006
October 14, 2008
September 1, 2009

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Article 1

Purpose and Title

The purpose of this ordinance is to establish subdivision standards and procedures for the County of Madison, Virginia.

This ordinance is to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity and general welfare.

The ordinance is known and may be cited as "Subdivision Ordinance of Madison County, Virginia."

Article 2

DEFINITIONS (Words and Terms)

For the purpose of this ordinance, terms used here shall be interpreted and defined as follows: Words used in the present tense shall include the future; words in the singular number include the plural, and plural the singular unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words or "disapprove". The word "current" shall mean the point in time at which a matter is under consideration and shall not mean the date of adoption of this ordinance. Any reference to this ordinance includes all ordinances amending or supplementing the same and the dates of their additions or deletions. All distances and areas refer to measurement in a horizontal plane.

- 2-1 Agent: The person or persons appointed to serve as the agent to the Board of Supervisors of Madison County, Virginia.
- 2-2 Alley: A permanent service way providing a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- 2-3 Architect: A person licensed to practice as such in the State of Virginia.
- 2-4 Board of Supervisors: The Board of Supervisors of Madison County, Virginia.
- 2-5 Building Line: The distance of a building from the front lot line or a boundary line.
- *2-5A Conventional sewage system: An individual sewage disposal system incorporating a septic tank and sub-surface soil absorption (drainfield) with or without pumping to serve a single family dwelling.
- 2-6 Commission: The Planning Commission of Madison County, Virginia.

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- 2-7 Cul-de-sac: A street with only one outlet and having an

appropriate turn around area for a safe and convenient reverse of traffic movement.

2-8 Developer: An owner of property being subdivided whether or not represented by an agent.

2-9 Easement: A grant by a property owner of the use of land for a specific purpose or purposes.

2-10 Engineer: A person licensed to practice as such in the State of Virginia.

2-11 Health Official: The Health Director of Madison County or his designated agent.

2-12 Highway Engineer: The Resident Engineer of the County employed by the Virginia Department of Highways and Transportation.

2-13 Improvements: All public utilities and facilities, including, but not limited to, streets, cul-de-sacs, storm and sanitary sewers, water lines, curb and gutter, required pursuant to the terms of this ordinance or the Zoning Ordinance of Madison County, Virginia.

2-14 Jurisdiction: The area or territory subject to legislative control of the Board of Supervisors.

2-15 Landscape Architect: A person registered to practice as such or a member of the American Society of Landscape Architects.

*2-16 Lot, parcel or tract of land: A portion of land, including residue, described by deed or shown on a plat of survey, intended as a unit of real property for the purpose of ownership, conveyance, taxation or development. An existing lot, parcel or tract of land shall be defined and described by the most current deed or plat of survey recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia; provided that such lot,

*REVISED – June 7, 2006
parcel or tract of land was created or approved in accordance

with the applicable provisions of the Madison County Zoning and Subdivision Ordinances.

- **2-17** Lot, Corner: A lot abutting upon two or more roads at their intersection. The front of a corner lot shall be the side where the driveway entrance is or will be located as approved by the Virginia Department of Transportation. The setback on the side facing the side road shall be thirty-five (35) feet or more for both main and accessory buildings.
- 2-18 Lot, Depth of: The mean horizontal distance between the front and rear lot line.
- 2-19 Lot, Double Frontage: An interior lot having frontage on two streets.
- 2-20 Lot, Interior: A lot other than a corner lot with only one street frontage.
- 2-21 Lot of Record: A lot which has been recorded among the land records in the Office of the Clerk of the Circuit Court of Madison County.
- 2-22 Lot, Width of: The mean horizontal distance between the side lot lines.
- *2-22A** Non-Conventional sewage system: Any sewage disposal system other than a traditional septic tank and traditional sub-surface soil absorption (drainfield). This system may serve a commercial establishment, or may be used if enhanced flow distribution, low-pressure distribution or pretreatment is necessary. This system shall not include an experimental or provisional system, and this system may be approved for intermittent use if both the manufacturer and a licensed engineer, in consultation with an Authorized On-Site Soil Evaluator (AOSE), verify that the system is designed for intermittent use and does
- *REVISED – November 30, 2004 and
October 14, 2008
- **REVISED – December 7, 2005

not become biologically inactive with intermittent or seasonal use. The system shall also be required to be designed and inspected by an AOSE licensed engineer prior to being approved for intermittent use. All other regulations regarding maintenance and monitoring will apply.

- 2-23 Performance Bond: A bond with surety and/or cash deposit, approved by the Board of Supervisors in the amount set by the Board of Supervisors after receipt of a recommendation from the Planning Commission and with the provision that the improvements will be completed within a definite period of time.
- *2-23A Planning Commission: The Planning Commission of Madison County, Virginia.
- 2-24 Plat: A diagram or map, drawn to scale showing tracts, parcels, lots, subdivisions, land boundaries, legally recordable in the Clerk's Office; together with all data essential to the description and identification of the several elements shown thereon, and including one or more certificates indicating due approval. A plat differs from a plan in that it does not necessarily show additional cultural, drainage and relief features.
- 2-25 Planner: A person qualified to prepare development plans, either licensed as such, or meeting the standards of the American Institute of Certified Planners.
- 2-26 Profiles and Specifications: Construction plans and specifications showing all necessary data for all public and private improvements to be installed under the terms of this ordinance.
- 2-27 Property: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

*REVISED – June 20, 1990

- *2-28 Public Sewer System: A central system owned and/or operated by the Town of Madison, Madison County, Rapidan Service Authority, or an individual, partnership or corporation approved by the Board of Supervisors and by the State Health Department for the collection, removal, treatment and disposal of sewage.
- *2-29 Public Water System: A central system owned by the Town of Madison, Madison County, Rapidan Service Authority, or an individual partnership or corporation approved by the Board of Supervisors and by the State Health Department for the supply of potable water.
- *2-30 Road: A strip of land subject to vehicular and pedestrian traffic providing means of access to property; also designated as road, lane, drive, avenue, right of way, highway, boulevard, trail, court, place, terrace, etc., designated in accordance with traffic capacities, specified by the standards of Madison County, Virginia or the Virginia Department of Highways and Transportation whichever is applicable.
- *2-31 Road-Public: A travelway, road, or thoroughfare which is the principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by the State as a part of the State Primary or Secondary Road System.
- *2-32 Road-Private: A travelway, road or thoroughfare which is the principal means of access to abutting property and encompassed by a right-of-way not dedicated to public use, maintained by a private organization or adjacent landowners within the platted subdivision and subject to complete restrictive control by said private organization or adjacent landowners. Such streets are subject to special review by the Planning Commission, as well as construction standards and bonding procedures set forth in this ordinance.
- *REVISED – June 20, 1990
- *2-33 Road-Former County: A travelway road or thoroughfare which is the principal means of access to abutting

property, and encompassed by a right-of-way dedicated to public use and not abandoned by official action of the Board of Supervisors, formerly maintained by Madison County prior to the creation of the state highway system and shown on the Commonwealth of Virginia, Department of Highway, County of Madison Map No. 57-32, dated June 1, 1932.

- *2-34 Road-Service: A public right-of-way generally parallel with and contiguous to a major highway. Service roads are designed primarily to promote safety by reducing ingress and egress access movements from the major highway.

- *2-35 Road Width: The total width of the strip of land dedicated or reserved for public travel including roadway, curb and gutter, sidewalks, planting strips and, where necessary, utility easements.

- **2-35A Stream: Any permanent or intermittent watercourse as defined by USGS topographic maps.

- 2-36 Subdivide: The process of dividing land to establish a subdivision.

- 2-37 Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership or other entity, owning any tract, lot or parcel of land to be subdivided or a group of two or more persons or entities owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

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**REVISED – September 1, 2009

- **2-38 Subdivision: The division of a lot, tract or parcel of land

into two or more lots, tracts or parcels; provided, however, the following shall not be defined as a subdivision:

- (1) The sale or exchange of a lot, tract or parcel of land between adjoining landowners to create by boundary adjustment a new lot, tract or parcel of land; provided that such sale or exchange does not create an additional building lot or does not create a nonconforming lot; and provided further that the new lot, tract or parcel of land created by boundary adjustment in the Conservation, C-1 or Agricultural, A-1 District shall not gain additional division rights until ten (10) years from the date the plat or deed of boundary adjustment is recorded in the Clerk's

** Office of the Circuit Court of Madison County, Virginia.

- (2) A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner as defined and restricted in Section 15.2-2244 of the Code of Virginia (1950 as amended); provided, however, that such a lot or parcel is not conveyed to a person other than a member of the immediate family of the property owner or to a trustee to secure financing for said lot or parcel for a period of three (3) years from the date the family division is recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia. The aforesaid three (3) year restriction on the conveyance of such a lot or parcel shall terminate in the event of the property owner's death.
- (3) A partition of land ordered by a court of a competent jurisdiction.

**REVISED – December 7, 2005

- 2-39 Surveyor, Land: An individual who is licensed by the Commonwealth of Virginia and registered with the State Department of Professional and Occupational Registration as a certified land surveyor.

Administration

- 3-1 Administrator: The agent appointed by the Board of Supervisors is hereby delegated the authority and power to administer this ordinance and in so acting the agent shall be considered the agent of the Board of Supervisors.
- 3-2 Consultations: In the performance of his duties, the agent may request opinions and/or decisions, either verbal or written, from other departments of the County government, officials and departments of the State of Virginia, and such other qualified persons as may from time to time be retained.
- 3-3 Procedures and Policy: In addition to regulations herein contained for the subdivision of land, the agent, subject to the approval of the Board of Supervisors, may from time to time establish reasonable additional administrative procedures and policy requirements as deemed necessary for the proper administration of this ordinance. Procedures so established shall govern the administration of this ordinance.
- 3-4 Dedication for Public Use: No public or private easement of right-of-way as shown on any plat of subdivision hereafter recorded shall be accepted for dedication for public use, until such proposed dedication for public use shall first have been formally approved by the Board of Supervisors in a meeting duly assembled, and evidence of such approval shown on the instrument to be recorded. Approval of any final subdivision plat shall not be deemed acceptance by the Board of Supervisors of any street, alley, or other public space shown on the plat for maintenance, repair or operation thereof unless acceptance is expressly indicated on the final plat.
- *3-5 Approval of Subdivisions: All subdivisions shall be approved by the Board of Supervisors after review and recommendation

from the Planning Commission. Such approval and review shall comply with the time periods set forth in Section 15.1-475 of the Code of Virginia (1950, as amended); provided the applicant may consent to an extension of any time period set forth therein.

- *3-6 Application Fee: The applicant for approval of a subdivision shall pay the applicable application fee adopted by the Board of Supervisors.

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Article 4

Plat Preparation Procedures, General

- * 4-1-1 Platting Required: Every subdivision of land as defined by Article 2-38 located within Madison County shall be shown on a plat of a subdivision with reference to known or permanent monuments. A plat of subdivision shall be made, submitted and approved pursuant to the terms of this ordinance and then recorded among the land records in the Clerk's Office of the Circuit Court of Madison County. A plat of the residue shall be required for land in residential, R-1, R-2 or R-3 zones, and shall not be required in other zones unless a plat of the residue is needed to confirm that the residue is not a nonconforming lot.

No plat of subdivision shall be recorded unless or until the plat shall have been submitted to the Board of Supervisors or its authorized agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any subdivision before the plat shall have been recorded.

- * 4-1-2 Private Contracts: This ordinance creates no private easement, covenant, agreement or restriction nor is any public official responsible for the enforcement of a private easement, covenant, agreement or restriction.

- 4-1-3 Variations and Exceptions: Whenever because of unequal size, topography or shape of the property or other unusual condition not resulting from the developer's deliberate act, a strict compliance with the requirements of this ordinance would result in extraordinary hardship to the developer, the Board of Supervisors may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Comprehensive Plan of Madison County.

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- 4-1-4 Mutual Responsibility: There is a mutual responsibility between the County of Madison and the subdivider to divide and develop land in an

orderly manner in accordance with the intent of the Comprehensive Plan of Madison County.

- **4-1-5** Limitations of Subdivisions in Conservation, C-1 and Agricultural, A-1, Districts: No lot, tract or parcel of land in the Conservation, C-1, District or Agricultural, A-1, District shall be subdivided into more than four (4) smaller lots; tracts or parcels of land (including the residue, if any) within any ten (10) year period. Except as provided above, no lot, tract or parcel of land in the Conservation, C-1, or Agricultural, A-1, District created by subdivision in accordance herewith shall be further subdivided within ten (10) years from the date the subdivision plat is recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia. A lot, tract or parcel of land created by boundary adjustment in the Conservation, C-1 or Agricultural, A-1 District shall not gain additional division rights until ten (10) years from the date the plat or deed of boundary adjustment is recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia.

4-2 Improvements: Cost and Bonding

- 4-2-1** Improvements: Unless otherwise provided or agreed upon, all required improvements shall be installed at the cost of the subdivider. Where cost sharing or reimbursement agreements between the County of Madison and the subdivider are appropriate, the same shall be entered into by formal agreement prior to final plat approval and shall be subject to inspection and acceptance. In cases where specifications have been established either by the Virginia Department of Highways and Transportation for streets, etc., or by this ordinance such specifications shall be followed. The subdivider's performance bond shall not be released until construction has been inspected and accepted by appropriate engineer, or agent, or the Virginia Department of Highways and Transportation if applicable. All improvements shall be in accordance with the requirements set forth in this ordinance.

- * 4-2-2** Bonding Requirements: The Board of Supervisors after review and

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recommendation from the Planning Commission may require the bonding

of any improvements or facilities required as a condition of subdivision approval. Such bonding shall comply and be administered in accordance with Section 15.1-466(f) and (1) of the Code of Virginia (1950, as amended).

4-3 Streams and Drainage

* 4-3-1 Floodplains, Streams and Drainage Courses.

- **4-3-1-1 The limits of the floodplain shall be shown on the plat and shall be established as required by the Madison County Floodplain Management Ordinance.
- **4-3-1-2 When any stream is located in the area being subdivided, no land disturbing activity shall be permitted within fifty (50) feet of each side of the stream except as provided in 4-3-1-3, below. This area shall be identified on the plat.
- **4-3-1-3 The following activities shall be permitted within an area otherwise restricted pursuant to Section 4-3-1-2.
 - ** (1) Normal grounds keeping, landscaping, home gardening and maintenance activities shall be permitted in the area immediately surrounding a dwelling or other structure which was in existence on September 1, 2009.
 - ** (2) Construction of a new dwelling or other structure on a lot of record that was approved prior to September 1, 2009, shall be permitted, if there is no reasonable building site outside the restricted area.
 - ** (3) Replacement of a dwelling or other structure that existed on September 1, 2009 shall be permitted within a restricted area, if the replacement structure is situated within the original footprint of the structure.

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- *(4) Expansion of a dwelling that existed on September 1, 2009 shall

be permitted within a restricted area, so long as the footprint of the original dwelling will not be increased by more than fifty percent (50%).

- * (5) Construction and maintenance of a driveway or road shall be permitted within a restricted area, if there is no reasonable location outside the area that would allow reasonable access to a usable portion of a lot; and construction of road and utility crossings shall be permitted; provided that, to the extent practicable, such activities shall be constructed in a manner and location of minimum impact to the stream buffers, preferably crossing at a 90 degree angle.
- * (6) Construction, installation and maintenance of water and sewer facilities or sewage disposal systems on lots of record approved prior to September 1, 2009 shall be permitted if there is no reasonable location outside the restricted area (subject to health department approval);
- * (7) Agricultural activities (excluding construction of new or expanded buildings) conducted on land that is enrolled in the County's land use taxation program.
- * (8) Construction and maintenance of: docks, piers, boat launches, and passive recreation areas; construction and maintenance of improvements necessary for historic preservation; and archaeological activities shall be permitted within a restricted area, provided that all applicable federal, state and local permits have been obtained.
- * (9) Construction and maintenance of a lake, pond, or ecological/wetland restoration project shall be permitted within a restricted area, provided that all applicable federal, state and local permits have been obtained;
- * (10) Construction and maintenance of on-site or regional stormwater management facilities and temporary erosion and sediment control

*REVISED – September 1, 2009
measures such as silt fences or super silt fence shall be permitted within a restricted area, provided that:

- ** (i) Selected erosion and sediment measures do not harm the natural infiltration of the restricted area and land disturbance is minimized;
- ** (ii) To the extent practical, the location of such facilities shall be outside of the restricted area;
- ** (iii) No more land shall be disturbed than is necessary to provide for construction and maintenance of the facility;
- ** (iv) The facilities are designed and constructed so as to minimize impacts to the functional value of the restricted area for protecting water quality; and
- ** (v) Any facilities that are located within a floodplain adhere to the requirements of the Madison County Floodplain Management Ordinance.

**4-3-2 Stormwater management: Proper approval of a stormwater management plan, as required by the Madison County Water Protection Ordinance, shall be a condition of approval of every subdivision plat.

**4-3-3 Erosion Control: Proper approval of plans and specifications for temporary (during construction) and permanent soil erosion and sedimentation controls as required by the Madison County Soil Erosion and Sediment Control Ordinance shall be a condition for approval of every subdivision plat.

4-4 Water and Sewer

* 4-4-1 Sanitary Sewer and Water: No subdivision shall be approved where individual water and septic tank systems are to be used until written approval has been secured from the Madison County Health Department.

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Each lot shall have one (1) approved drainfield area and one (1)

approved reserve drainfield area. The approved drainfield area and the approved reserve drainfield area shall have a minimum area of Ten Thousand (10,000) square feet; provided, however, additional area may be required by the Madison County Health Department.

- * The Madison County Health Department shall determine the suitability of soil for waste disposal systems. A conventional sewage system shall be utilized if soil conditions are acceptable. The Madison County Health Department may require the owner to submit soil percolation tests and other methods of soil evaluation to determine the suitability for sub-surface disposal.
- * If the Madison County Health Department determines that the site does not allow for a conventional sewage system, a non-conventional sewage system may be utilized. A maintenance and monitoring plan approved by the Madison County Health Department is required for all non-conventional sewage systems. This plan must be approved by the manufacturer of the system and remain in effect for the entire life of the system. The Madison County Health Department will determine the level of maintenance and monitoring required for each non-conventional sewage system; provided, however, a minimum of semi-annual testing is required. The Madison County Health Department will supervise the correction of any non-conventional sewage system that does not comply with the approved maintenance and monitoring plan. The Madison County Health Department shall send a copy of all maintenance and monitoring reports to the Madison County Zoning Administrator.
- * All non-conventional sewage systems shall be designed by a professional engineer who may be assisted by an authorized on-site soil evaluator or certified professional soil scientist. Such system shall be designed to operate at a designated site on the proposed lot.
- * All non-conventional sewage systems will be subject to the requirements for “Conditional Construction Permits” under the Virginia State Board of Health, Sewage Handling and Disposal Regulations, and will be subject to the requirements of such regulations for

*REVISED – November 30, 1994

identification of the proposed non-conventional sewage system and recordation in the Clerk’s Office of the Circuit Court of Madison County,

Virginia.

If a subdivision contains 15 or more lots, the developer shall provide a public water and sewer system to serve said lots. A public water system shall be constructed and operated by the developer/owner in accordance with standards, specifications and requirements of the State Health Department. A public sewer system shall be constructed by the developer/owner in accordance with standards and specifications of the State Health Department and the Rapidan Service Authority (RSA). If a Virginia pollution discharge elimination system (VPDES) permit issued by the State Water Control Board is required for the public sewer system, ownership of the system shall be transferred to RSA after the system has been constructed by the developer/owner, and the public sewer system shall be operated by RSA. If a VPDES permit is not required for the public sewer system, said system shall be operated by the developer/owner in accordance with standards, specifications and requirements of the State Health Department.

* A subdivision within a Business, General, B-1, Industrial, Limited, M-1, or Industrial, General, M-2 zone may be approved by the Madison County Health Department if it has received a permit from the State Water Control Board for a sewage treatment facility with discharge into an all weather stream.

4-4-2 Septic Tank Installation: The Health Director shall require, whenever necessary for the satisfactory installation of septic tanks, that individual lots be graded and drained so as to insure effective removal of surface water from each lot. When the contour of the subdivision is such that the use of individual wells with individual septic tank systems will be endangered, the subdivision shall not be approved for the use of individual wells.

4-4-3 Public Water and Sewer: Where public water and/or sewer service is reasonably accessible, such service shall be extended to all lots within a subdivision by the developer.

*REVISED – October 16, 1991

4-4-4 Fire Protection: Where public water is available the installation of adequate fire hydrants by the developer in a subdivision at locations

approved by the governing body or its agent shall be required as necessary to provide adequate fire protection.

- **4-4-5 Utility Easements: Easements with a minimum width of 15 feet shall be required for utilities on each lot, tract or parcel of land.

- 4-4-6 Drainage Easements: Easements with a minimum width of 10 feet may be required for drainage on any lot where there is a present or anticipated need for drainage or erosion control.

- 4-5 Lots

- * 4-5-1 Non-conforming Subdivisions: A subdivision recorded and/or developed prior to the adoption of, and not in conformity with, this ordinance may be resubdivided and redeveloped in whole or in part, at the option of the owner of all the lots to be resubdivided, but only under the following conditions: (1) the resubdivision shall result in improvement to the general area of lot layout and street connection; (2) and the resubdivision shall be in full conformity with the provisions of this ordinance. Any resubdivision of a recorded plat, or part thereof shall conform to the plat vacation requirements of Section 15.1-481 and 15.1-182 of the 1950 Code of Virginia as amended, and shall have the consent of the Board of Supervisors.

- 4-5-2 Lot Size: Lot sizes for residential lots shall conform to the Zoning Ordinance in effect in the County of Madison at the time of the filing of the final plat. Lot sizes may be increased by the Board of Supervisors where health and sanitation reports so indicate a need, in order to protect the public.

- 4-5-3 Lots, Shape: The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and shall recognize the natural contour of the terrain and topography, and conform

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**REVISED – December 7, 2005

to requirements of this ordinance. Lots shall not contain peculiarly

shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

- 4-5-4 Corner Lots: Corner lots shall have width sufficient for maintenance of any required building line on both streets as determined by the agent and as set forth in the Zoning Ordinance of Madison County.

- 4-5-5 Side Lot Lines: Side lot lines shall be approximately at right angles or adial to the street line, except at cul-de-sac terminal points, or where different angles or radials results in an improved lot layout.

- 4-5-6 Nonconforming Lots, Remnants or Outlots: No subdivision which creates a nonconforming lot shall be approved. All remnants of lots or outlots below the minimum size re-maining after subdividing a tract must be added to adjacent lots rather than allowed to remain as unbuildable parcels.

- * 4-5-7 Pipestem Lots: Where pipestem lots, which have a narrow extension of the lot area connecting the lot to a public road for vehicular access, are designed into a subdivision and shown on the recorded plat, the width of the pipestem (driveway-lot extension) shall not be less than 50 feet and the length of the pipestem (driveway) shall not be more than 300 feet from the public street right of way line to which the pipestem lot has access. The area of the pipestem shall not be a part of the required minimum lot area; no structures shall be built in the area of the pipestem; a subdivision shall contain no more than (1) pipestem lot; and no pipestem lot shall be contiguous to another pipestem lot.

- 4-5-8 Monuments: Permanent monuments shall designate each lot corner.

- 4-6 Blocks

- 4-6-1 Block Design: The arrangements of blocks and the street system, especially intersections, shall be compatible and coordinated with the natural topography and physical features of the land. Form determinants

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and design opportunities presented by the site should be recognized and incorporated in the subdivision and road layout.

- 4-6-2 Block Orientation: Where a proposed subdivision will adjoin a primary road or street, the Board of Supervisors or its agent may require that the greater dimension of the block shall front or back upon such primary thoroughfare to avoid unnecessary ingress and egress as the case may be.
- * 4-6-3 Industrial or Business Subdivisions: Any lots or blocks designed for business or industrial purposes shall be designed specifically for such purposes with adequate space set aside for service road, off-street parking, off-street loading, and delivery facilities.
- 4-7 Comprehensive Plan and Public Dedications
- 4-7-1 Parks, Schools and Public Land: In subdividing property consideration should be given to suitable sites for parks, schools, and other areas of public use as contained in the County's Comprehensive Plan. Such plan regulations for parks, schools, or other public land should be indicated on the preliminary plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquired by the appropriate Board of Supervisors for that use. This regulation shall not be construed to preclude the dedication of property for public use not included in the County's Comprehensive Plan provided such property is acceptable to the County for dedication and maintenance.
- * 4-7A Public Road-Subdivision: Subdivision on public roads as defined in Article 2-31 shall be permitted provided each lot conforms with the area, setback, frontage and other applicable regulations of the Madison County zoning, subdivision, site development plan, soil erosion and sedimentation, and floodplain ordinances, and provided, further, that the plat of the lots served by any public road shall have the following statement: "Any further subdivision of the tract(s) of land shown hereon is subject to review by the Planning Commission and approval by the Board of Supervisors."

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- * 4-8 Private Roads

- * 4-8-1 Private Roads-Subdivision: Any subdivision involving the creation of a new private road shall be subject to review by the Planning Commission and final approval by the Board of Supervisors, but such approval shall be limited to the particular subdivision and shall not be construed to approve any further use of said private road or any further subdivision of adjoining land. Any such further subdivision of such land involving additional use of a private road will be considered as a new subdivision and will not be exempt from these regulations. The plat of any subdivision with a private road shall show such road and refer to any applicable legal documents that establish such road. A private road shall connect to a public road that is maintained by the Virginia Department of Transportation or to a former county road as defined in Article 2-33, and shall have a minimum right-of-way width of fifty (50) feet as required by the Virginia Department of Transportation; however, a private road does not have to meet any other requirements of the Virginia Department of Transportation. Neither Madison County nor any other public agency shall have any obligation for the maintenance or improvement of a private road. The maintenance and improvement of a private road shall be the mutual obligation of the landowners in the subdivision abutting said private road. A private road shall not be taken into the State Secondary Roadway System unless and until the abutting landowners shall have constructed and dedicated such private road in accordance with the Virginia Department of Transportation specification, and thereafter such private road is accepted into the State Secondary System by the Board of Supervisors.

The plat of the lots served by any private road shall have the following statements: "Any further subdivision of the tract(s) of land or any further extension of the private road shown hereon is subject to review by the Planning Commission and approval by the Board of Supervisors. The private road shown hereon will not be maintained or improved by Madison County or any other public agency."

- * 4-8-2 Private roads legally recorded in the Clerk's Office of the Circuit Court of Madison County prior to March 29, 1974, may have widths of less than fifty (50) feet.

*REVISED – June 20, 1990

- ***4-8-3: A private road shall serve no more than four (4) lots which use said private road for access to a public road or former county road. Any

subdivision of more than four (4) lots shall be on a public road as set forth in Article 4-7A or on a former county road as set forth in Article 4-9.

****4-8-4:** All lots that are created from the same tax parcel and adjoin a private road shall use said private road as access to the public road or former county road to which it connects, except as follows:

1. When a private road is located on a lot that is a portion of the parcel of land being subdivided and said lot is improved with a dwelling and with an entrance that was legally created prior to June 20, 1990; or

2. When a private road is created as access to a parcel of land that has no other access to a public road or former county road and was created prior to March 29, 1974.

*** 4-9** Former County Road-Subdivision: Subdivision on a former county road as defined in Article 2-33 shall be permitted provided each lot conforms with the area, setback, frontage and other applicable regulations of the Madison County zoning, subdivision, site development plan, soil erosion and sedimentation, and floodplain ordinances, and provided further, that the plat of the lots served by any former county road shall have the following statements: "Any further subdivision of the tract(s) of land shown hereon is subject to review by the Planning Commission and approval by the Board of Supervisors. The former county road shown hereon will not be maintained or improved by Madison County or any other public agency."

*** 4-10** Approval by Virginia Department of Transportation: No subdivision shall be approved until written approval thereof has been obtained from the Virginia Department of Transportation.

*REVISED – June 20, 1990

**REVISED – February 20, 1991

***REVISED – January 21, 1998

* Roads - General Standards of Design

- * 5-1 Road Alignment: Provisions shall be made wherever practicable for the continuation of planned, existing or platted roads into adjoining areas.

- * 5-2 Road Angle: The angle of intersection between roads shall be as close to a right angle as possible and in no case less than 80 degrees unless approved by the Board of Supervisors or its agent upon recommendation of the Virginia Department of Highways and Transportation Engineer for specific reasons of contour, terrain, or matching of existing patterns.

- * 5-3 Road Access: The road arrangement shall provide adequate access to adjoining parcels where necessary to provide for the orderly development of the County.

- * 5-4 Road Grade and Ditches: Maximum road grades and ditches shall be approved by the Virginia Department of Highways and Transportation. On certain steep grades, paved ditches may be required.

- * 5-5 Road Width: The right-of-way width for roads shall conform to the widths designated in the Comprehensive Plan of Madison County or established by the Virginia Department of Transportation. The right-of-way width for roads shall not be less than 50 feet, unless the road was legally recorded in the Clerk's Office of the Circuit Court of Madison County prior to March 29, 1974.

- * 5-6 Cul-de-sac Roads: Cul-de-sacs and dead end roads shall provide a terminal turn-around having a right-of-way radius of not less than fifty-five (55) feet and a surfaced radius of not less than forty-five (45) feet.

- * 5-7 Temporary Cul-de-sacs: Roads more than three hundred (300) feet in length from an intersection or proposed to serve more than four (4) residences that terminate temporarily shall have a temporary cul-de-sacs having a radius of not less than fifty-five (55) feet. The temporary cul-de-sac shall remain until such time as road extensions are added.

*REVISED - June 20, 1990

- 5-8 Alleys: Alleys not less than 20 feet in right-of-way width may be provided in the rear of all commercial and industrial properties unless

other provisions are made for parking and service. Alleys shall not be permitted in residential subdivisions. No dead end alleys of any kind shall be allowed.

- * 5-9 Reserved Strips: Reserved or spite strips restricting access to roads or alleys shall not be permitted provided that nothing herein shall prohibit areas for scenic planting and landscaping where adequate access is otherwise available.

- * 5-10 Service Roads: Whenever a proposed subdivision contains or is adjacent to a primary highway, major collector or arterial highway, provisions may be required for service roads or service roads approximately parallel to such right-of-way. Except where impractical by reason of topographic hardship, the area between the road and the major thoroughfare or artery shall be sufficient to provide area for scenic planting and screening. The dimensions of the area between service road and major thoroughfare or artery and the points of access between the same shall be determined after due consideration of traffic safety requirements.

*REVISED - June 20, 1990

* Road Design and Standards

- * 6-1 Design: All roads, except private access easements as set forth in Section 4-8 of this ordinance and restricted roads, shall be designed as required for acceptance into the secondary highway system of the Virginia Department of Highways and Transportation. Such roads shall be designed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the Virginia Department of Transportation, as evidenced by the written approval of the Highway Engineer. Private access easements shall be designed as set forth in Section 4-8 of this ordinance.
- * 6-2 Standards: All construction of roads, except private access easement as set forth in Section 4-8 of this ordinance, shall conform to construction specifications and standards of the Virginia Department of Transportation in effect at the time of the filing of the final plat, and all construction of private access easement shall conform to the provision of Section 4-8 of this ordinance.
- 6-3 Street Names: Proposed streets which are obviously in alignment with other already existing main streets shall bear the names of the existing street. It shall be the developer's responsibility that in no case shall the names of proposed streets duplicate the existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court.
- * 6-4 Road Cuts: All road cuts made in paved roads shall be replaced in accordance with the construction standards of the Virginia Department of Highways and Transportation. The method shall be subject to modifications according to special conditions as approved by the Board of Supervisors or its agent.
- * 6-5 Permanent Monument Requirements: Permanent monuments shall be placed in the ground at all corners, and angle points in the outer lines of the subdivision and at all points of angles and curvature in the right-of-way lines of all roads, and at all lot corners within the subdivision, and at

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designated points in the outer lines of the subdivision, and at a minimum of at least two points in each block. All required monuments shall be

clearly visible.

- 6-6 Landscaping: All cut and fill slopes shall be landscaped, either seeded and stabilized, or sodded, with grass or plants suitable for such slopes. Erosion control measures may be required under the Madison County Soil and Erosion Sediment Control Ordinance.

Final Plat: Filing Approval Procedure

- ** 7-1** Filing Requirements: A subdivision shall file seventeen (17) prints of the final plat, prepared by a land surveyor or certified professional engineer licensed by the Commonwealth of Virginia to practice as such. The said surveyor or professional engineer shall affix upon each plat a signed certificate and also indicate thereon the source of the title of the owner of the land subdivided. Any supporting data or plans shall also be filed with the Commission or its agent. A final plat shall not be filed until it has all required plat details and approval signatures from the Madison County Health Department and Virginia Department of Transportation.
- **7-1A** Public Notice: Public notice of a request for a subdivision of land shall be given in accordance with Virginia Code Section 15.2-2204 (1950, as amended.)
- * 7-2** Recommendation of the Planning Commission: A recommendation on a final plat shall be made by the Planning Commission to the Board of Supervisors within sixty (60) days after the date of its first public hearing thereon; provided, however, the sixty (60) day period may be extended with the consent of the applicant.
- * 7-3** Final Approval: The Board of Supervisors retains unto itself the authority of final approval of final plats. The Planning Commission shall consider final plats and make recommendations to the Board of Supervisors. The Board of Supervisors shall indicate approval or disapproval of all subdivisions received for consideration as a final plat within sixty (60) days from the date of its first public hearing, provided, however, the sixty (60) day period may be extended with the consent of the applicant. Approval of the final plat by the Board of Supervisors shall be void unless the approved plat is recorded within six (6) months after approval. All approved final plats shall be filed in the Clerk's Office of the Circuit Court of Madison County. No such plat of any subdivision shall be recorded by the Clerk of said Court unless it has been approved by the Board of Supervisors.
- **REVISED -December 7, 2005**
***REVISED – June 20, 1990**
- 7-4** Final Plat Approval Conditions: The final plat shall not be approved until the subdivider has complied with the requirements and standards of

design in accordance with this ordinance and has provided any performance bond required by the Board of Supervisors. Approval of the final plat by the Board of Supervisors shall be evidenced by the signature of the agent of the Board of Supervisors on such final plat.

- * 7-5 Plat Details: The final plat shall meet the standard for plats established by regulations issued by the State Library Board pursuant to the Virginia Pubic Records Act (Section 42.1-82 of the Code of Virginia, 1950, as amended). Any plat which provides for the creation, expansion or enlargement of public road shall be accompanied by a written approval from the Virginia Department of Transportation.
- * 7-5-1 The name of the owner; a certificate signed by the land surveyor or professional engineer who prepared the plat; the source of title of the owner of the subdivided land; and the name or number of the lot or parcel if a part of a larger tract.
- * 7-5-2 When the plat describes land acquired from more than one source of title, the outlines of the several tracts shall be indicated on the plat.
- * 7-5-3 The boundary lines of the area being subdivided shall be determined by an accurate survey with bearings shown in degrees, minutes, and seconds to the nearest ten seconds; and dimensions to be shown in feet to the nearest hundredth of a foot. Total acres in each proposed use plus floodplain delineation shall be shown.
- * 7-5-4 Roads shall be named but shall not duplicate existing or platted road names unless the new road is a continuation of existing or platted road. All dimensions both linear and angular for locating lots, roads, alleys, public easements, and private easements; the linear dimensions shall be expressed in feet to the hundredths of a foot and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten seconds. All curves shall be defined by their radius, central angle, and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and

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numbered to correspond with the respective numbered curve shown throughout the plat.

- 7-5-5 Lot numbers in numerical order and block identification.
- 7-5-6 Location and material of all permanent reference monuments.
Monuments found or installed prior to plat recordation may be referenced if permanent and undisturbed.
- 7-5-7 A definite bearing and distance tie shown between not less than two permanent monuments on the exterior boundary of the subdivision, and further tie to existing street intersections where possible and reasonably convenient.
- * 7-5-8 Date and north pointer or north arrow.
- 7-5-9 Private or public restrictions and their period of existence. If these restrictions are of such length as to make their lettering on the plat impractical, reference shall be made on the plat to the document which details said restrictions.
- * 7-5-10 Signature panel shall be provided for the owner, Health Department, Virginia Department of Transportation and the Board of Supervisors.
- * 7-5-11 Temporary cul-de-sacs where needed.
- **7-5-12 Supporting data shall include any plans for water supply and sewage disposal; soil erosion and sedimentation control measures; existing sewers, water mains, culverts and other underground structures within the tract or parcel of land.
- * 7-5-13 Tax map and parcel number of parcel(s) or tract(s) that are being subdivided.
- * 7-5-14 Any grave or burial area located within the subdivided area.

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**REVISED – December 7, 2005

- **7-5-15 A new or existing easement with a minimum width of 15 feet shall be

required for utilities on each lot, tract or parcel of land.

****REVISED – December 7, 2005**

Administration and Enforcement

8-1 Compliance with Chapter

No permit will be issued by any administrative officer of Madison County, Virginia, for the construction or any building, or other improvements requiring a permit, upon any land concerning which a plat is required by this ordinance, unless and until the requirements of this ordinance have been complied with.

- * 8-2 Appeals: The decision of the Board of Supervisors on an application for subdivision approval may be appealed to the Circuit Court of Madison County.

- 8-2-1 The Planning Commission may reverse the decision of the agent of the Board of Supervisors or submit the request for appeal to the Board of Supervisors without recommendation.

8-3 Violations and Penalties

Any owner or proprietor of any tract of land who subdivides that tract of land and violates any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of not less than \$10 and no more than \$250 and each day during which violation shall continue shall constitute a separate violation.

- 8-3-1 Violation Prevention or Correction: The Board of Supervisors (in addition to other remedies) may institute any appropriate action or proceedings to prevent violation or attempted violation, to restrain, correct, or abate such violation, or to prevent any act which would constitute such a violation.

8-4 Changes or Amendments

Any regulation or provision of this ordinance may be changed or amended from time to time by the Madison County Board of Supervisors in accordance with Section 15.1-431 of the 1950 Code of Virginia, as amended.

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8-5 Validity

If any article, subarticle, clause or phrase of this ordinance is for any

reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declare that it would have passed this ordinance and each article, subarticle, sentence, clause and phrase thereof, irrespective of the fact that any one or more article, subarticle, sentences, clauses, or phrases be declared invalid.

*8-6

Effective Date

The effective date of this ordinance and any amendment thereto shall be the day following its adoption by the Board of Supervisors; provided, however, unless otherwise specifically set forth in an amendment, any application filed prior to the adoption of any amendment shall be acted upon in accordance with the provisions of the ordinance in effect on the date such application was filed.

* 8-7

Certified Copy

A certified copy of this subdivision ordinance and all amendments thereto shall be filed in the office of the Zoning Administrator of Madison County and in the Clerk's Office of the Circuit Court of Madison County.

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